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## State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY  
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ERRC-011-00

January 13, 2000

Jim Christiansen, RPM  
U.S. EPA Region VIII  
999 18th Street, Suite 500  
Denver, Colorado 80202-2466

Re: Draft Administrative Order on Consent-Richardson Flat Site

Dear Mr. Christiansen:

Enclosed are our comments on the draft Administrative Order on Consent for Remedial Investigation/Feasibility Study work at Richardson Flat Tailings Site. If you have any questions, please contact me at (801) 536-4178.

Sincerely,

*Muhammad A. Slam*Muhammad A. Slam, Project Manager  
Division of Environmental Response and Remediation

MAS/np

Post-It® Fax Note	7671	Date	# of pages ▶ 3
To	JIM CHRISTIANSEN	From	MO SLAM
Co./Dept	EPA	Co	UDEQ
Phone #		Phone #	
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- 34: In the second line from the top of the page, "should" should be "will".
- 35: In the fifth line, "BRA" is undefined. It should either be defined or spelled out as "baseline risk assessment" as it is in paragraphs 33, 34 and 35.
- 37 This paragraph requires Respondent to immediately notify EPA and "state" in the event of conditions posing an immediate threat to human health or welfare of the environment. "State" should be defined and there should be a provision identifying the agency at the state who should be notified (presumably, UDEQ).
45. In sixth line "Section XI" should be changed to Section "XIII".
- 46 & 47. These paragraphs address collection of split samples and site access for EPA and its authorized representatives. However, we anticipate that UDEQ will be involved in oversight of field activities as well. The consent order should also provide for site access for UDEQ and its authorized representatives.
- 51: This Section should also indicate that two copies of all documents will be submitted to UDEQ at.
- Muhammad Slam  
UDEQ/DERR  
168 N 1950 W  
Salt Lake City, UT 84114-4840
58. (a) This paragraph provides for dispute resolution on various matters "excluding the baseline risk assessment, for which resolution has been expressly provided for" . We did not find a separate method of resolving disputes involving the baseline risk assessment.
- (b) In the thirteenth line, provision is made for a determination by the "Director". Presumably that is the Division Director of the EPA but it should be defined.
- 63: In the first line, "Settling Party" should be "Respondent".
70. The paragraph discusses EPA's good faith efforts to provide comments on deliverables no later than one calendar month from the due date if deliverables are submitted early or on time This needs to be consistent with time line schedules developed for performance of work. Also, the State/EPA Superfund Memorandum of Agreement (SMOA) provides time frames for State review of project documents. (The review time for a number of major deliverables is 20 working days.) SMOA time frames should be taken into consideration when developing the schedule.

83. In the first line, "Settling Party" should be "Respondent".
- 96(a): In the fifth and sixth lines from the top of the page, the phrase "naming as insured the United States" should be "naming the United States as an insured"
97. In the last line, it is not clear who "that contractor" is. Presumably, it is Respondent's contractors who are to provide insurance as required by subparagraphs 96(c) and 96(d), but that should be clarified.